

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JARED SEARLES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 21-CV-6570 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On May 16, 2023—after Plaintiff first failed to file an opposition to the Government’s December 9, 2022 motion to dismiss the amended complaint, and subsequently failed to respond to the Court’s order to file an opposition no later than January 27, 2023—the Court informed the parties that it deemed the motion to dismiss fully briefed and would take it under submission.

On May 22, 2023, however, six months after the opposition to a motion to dismiss was due pursuant to Local Civil Rule 6.1, Plaintiff’s counsel filed an opposition along with a letter informing the Court that his failure to timely file the opposition was an “inadvertent mistake,” and further requesting that the Court consider the brief. Plaintiff’s counsel has provided no legal support for this application, nor provided any justification for his failure to adhere to the Court’s deadlines. Accordingly, Plaintiff’s counsel shall do so no later than May 26, 2023.

In addition, no later than May 31, 2023, Plaintiff’s counsel shall advise his client that to date, counsel has:

- Missed the Court’s August 20, 2022 deadline to amend the Complaint after the Court granted Defendant’s motion to dismiss;

- Filed an appeal to the Second Circuit Court of Appeals, only to subsequently seek an “indicative ruling” from this Court for permission to file a late amended complaint (which the Court granted on October 13, 2022) and then withdraw its appeal;
- Failed to timely file an opposition to the Government’s motion to dismiss by the December 23, 2022 deadline pursuant to Local Civil Rule 6.1;
- Failed to respond to the Court’s January 20, 2023 order to file an opposition to the motion to dismiss by January 27, 2023; and
- Failed to file an opposition to the motion to dismiss until six months after the deadline required pursuant to the Local Rules.

By May 31, 2023, Plaintiff’s counsel shall file an affidavit stating that he shared a copy of this Order with Plaintiff.

SO ORDERED.

Dated: May 24, 2023
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams
United States District Judge